

Appl. No. 09/272,075

Amdt. Dated September 15, 2004

Reply to Office Action of June 15, 2004

REMARKS

Reconsideration of the application is requested.

Claims 1-11 are in the application. Claims 9 have been amended. Claims 9-11 have been rewritten as requested in item 4 on page 2 of the above-identified final Office Action and are believed to be in condition for immediate allowance.

In "Claim Rejections - 35 USC § 103" item 5 on page 2 of the above-identified final Office Action, claims 1-8 have been rejected as being obvious over U.S. Patent No. 6,052,456 to Huang (hereinafter HUANG) in view of U.S. Patent No. 6,199,160 to Echensperger, et al. (hereinafter ECHENSBERGER) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a telecommunication system used by subscribers and administrated remotely by an administrator including:

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a telecommunications apparatus having a virtual terminal with properties of a terminal with administration authorization; and

a remote computer connected to the virtual terminal of the telecommunications apparatus exchanging only administrative changes to the telecommunication system, for remote administration of the telecommunications apparatus.

The HUANG reference discloses a graphical shelf navigator for a telecommunication switch management system. The graphical shelf navigator user interface enables users to easily and conveniently perform functions on a telecommunications switching system. HUANG is a user centric system not a terminal centric system. Thus, unlike the instant application, HUANG may deny access to a user regardless of which terminal they are using, whereas the instant application More specifically, the pertinent sections of HUANG as referenced in item 6 of the above-identified final Office Action state:

In Block 32, Remote Computer 10 in conjunction with Java Applet 22 provide the Remote Computer user's User Identification (ID) and password to System Manager 18 via communications link 16. System Manager 18 contains Runtime Library 19, in which is maintained a database of authorized User IDs and passwords. Using its Runtime Library 19, System Manager 18 verifies the Remote Computer user's User ID and password, as shown in Block 34. As shown in Block 36, assuming the User ID and password are both valid, System Manager 18 establishes a socket connection between Remote Computer 10 and System Security Manager Client 54 within System Management Interface 56, depicted in FIG. 1. Although System Manager 18 and System Management Interface 56 may be

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designed using any suitable software architecture,, they may for example be designed using the well known CORBA architecture. (Col. 6, lines 31-47).

Additionally, **HUANG** later explains:

More specifically, the Full Group Privileges Access Mechanism may for example maintain records of (a) authorized **User IDs**; (b) the date and time each **User ID** expires and therefore becomes unauthorized; (c) authorized **Passwords** for each authorized **User ID**; (d) the date and time each Password expires and therefore becomes unauthorized; (e) the authorization level for each authorized **User ID**; (f) the **User Group** of which each user having an authorized **User ID** is a member; (g) the minimum authorization level required to execute each available command and access each available function; and (h) the **User Group or Groups** authorized to execute each available command and access each available function.

When a user attempts to access the Telecommunications Switch Management System, the Full Group Privileges Access Mechanism compares the user's **User ID** and Password against its records of authorized **User IDs**, the expiration date and time for each authorized **User ID**, authorized Passwords for each authorized **User ID**, and the expiration date and time for each authorized Password. The Full Group Privileges Access Mechanism will refuse the user access to the Telecommunications Switch Management System unless the user has a valid and unexpired **User ID** and Password. In the event that the Full Group Privileges Access Mechanism refuses to provide access to the Telecommunications Switch Management System, the Full Group Privileges Access Mechanism generates a record of the attempted unauthorized access, so that unauthorized activities may be recorded and subsequently investigated, if necessary. (Col. 11, lines 3-31).

Clearly, neither of these sections in **HUANG** teach or suggest a "telecommunication apparatus having a terminal with properties of a terminal with administration authorization" as recited in claim 1 of the instant application, rather these section show that administration authorization is

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directly connected to a user and not a terminal. The authorization for the administration in HUANG is NOT connected to the terminal, but instead to a user who is authenticated by means of a user ID and password (e.g., col. 14, lines 36-53). Specifically, HUANG expressly states that the authorization for administering is bound to a user and not to an end device (Col. 10, lines 45-49). HUANG states in part, "The Full Group Privileges Access Mechanism serves to ensure that only authorized USERS are able to access ..." In direct contrast to the instant application where administration authorization is clearly a characteristic of the end device.

Clearly, HUANG does not show a "telecommunication apparatus having a terminal with properties of a terminal with administration authorization" as recited in claim 1 of the instant application.

The ECHENSPERGER reference discloses a computer system and method for performing multiple tasks. ECHENSPERGER discloses (refer to the abstract): "The computer system comprises a host (2), a communication subsystem (3), a plurality of application programs (1, 2), virtual terminal manager (5), virtual terminals (9, 4), an application programming

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interface (6), and a cross application program (7) as well as a real terminal T."

ECHENSPERGER's only reference to "telecommunication" is in col. 5, line 64, through col. 6, line 7, which states:

The data is ... stored as a screen image which is always a true copy of a real screen buffer, including the extended attribute buffer. In this example, each session is under the control of the IBM virtual telecommunications access method VTAM preferably featuring IBM's advanced communication functions. The virtual telecommunications access method (VTAM) is a set of IBM programs that control communication between terminals and application programs and which cooperates with SNA. The virtual terminal manager makes usage of VTAM for the establishment of the logical connections.

Merely because each session is under the control of the IBM virtual telecommunications access method VTAM does not make the host computer 2 a telecommunication apparatus in a telecommunication system as recited in the instant claims.

Nor does ECHENSPERGER mention the term "administration" and discloses user authorization, not "a virtual terminal with properties of...administration authorization" as recited in the instant claims.

As previously discussed in great detail in the response dated April 17, 2003, ECHENSPERGER does not concern, disclose, or suggest a telecommunication system. Similarly, ECHENSPERGER does not concern, disclose, or suggest remote administration.

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Consequently, **ECHENSPERGER** does not disclose a telecommunication system with a remote administration function.

Clearly, **ECHENSPERGER** does not show a "telecommunication apparatus having a terminal with properties of a terminal with administration authorization" as recited in claim 1 of the instant application.

Moreover, applicants respectfully submit that **HUANG** and **ECHENSPERGER** are not properly combinable. The state of the art according to **HUANG** pertains to a configuration in which different components of a telecommunication system which are administered by means of cryptic commands, administered by means of a graphic user surface via a connected computer, whereby simple graphic commands are converted into the cryptic command-line based commands, and vice versa. However, **HUANG** thus also leads away from using the document **ECHENSPERGER** because a user surface which is illustrated in the telecommunication system in an "internal" manner is illustrated in the same way and with the same user elements on a remote computer.

In view of the decision *In re Dembiczak* (175 F.3d 994, 50 USPQ2d 1614 (Fed.Cir. 1999)) it might be questionable whether

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HUANG supplies sufficient information in order to even use ECHENSPERGER and to combine the same with HUANG.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Finally, applicants appreciatively acknowledge the Examiner's statement that claims 9-11 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of claims 9-11 is unnecessary at this time. However, to *facilitate prosecution of the instant application* applicants have rewritten claim 9 in independent form including all of the limitations of the base claim and any intervening claims. Claim 9 is therefore believed to be patentable over the art and in condition for immediate allowance. The dependent claims 10 and 11 are also believed to be patentable as well because they ultimately dependent on claim 9.

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In view of the foregoing, reconsideration and allowance of claims 1-11 are solicited. In the event the Examiner should still find any of the remaining claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099. Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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KHF:cgm

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